



Workers' Compensation

NAIW – REOPENING YOUR CLAIM

(The following information is an excerpt from the Nevada Attorney for Injured Workers website - <http://naiw.nv.gov/index.html>)

In order to reopen your claim, you need to submit a written request to the insurer or self-insured employer asking that your claim be reopened for medical treatment. It is best to include your name, social security number, date of injury, employer at the time of injury, and your current address and phone number. If you can include the number of the claim to be reopened, that will help expedite the process.

Required Medical Evidence:

A claim may be reopened if it meets certain requirements. It is your burden to provide the necessary medical evidence which justifies having the claim reopened for further treatment. So, to show that your claim should be reopened, you must provide medical evidence of three (3) things:

1. The primary source of the change in your condition is the original work injury.
2. Your condition has changed since your claim was closed as shown by objective medical evidence.
3. You need further treatment to help improve your condition.

The Doctor's Letter:

Your Doctor must write a letter which states:

1. Your condition has changed since claim closure.
2. You need treatment.
3. A description of the treatment.
4. That there is a direct relationship between your worsened condition at the time you ask for reopening and your original injury.
5. Your work injury is the primary cause for your need to reopen your claim.
6. Any specified time period you are not to work at your job (the one you were injured doing or the one you were retrained to do). ([NRS 616C.390](#))

If you are trying to reopen your claim within one year of claim closure, you need to show the above points by clear and convincing evidence.

Cost of the Medical Exam:

You must pay the cost of the first medical examination needed to prove that your claim should be reopened. If the claim is accepted, you may be reimbursed the cost of the medical exam.

One Year Wait:

When your claim is closed or your reopening request is denied, you cannot make another request to reopen until **one (1) year** has passed, absent unusual circumstances. ([NRS 616C.390](#))

Request Within One Year:

If you originally had no lost time and no Permanent Partial Disability, you must request reopening within 1 year of the date your claim was closed. ([NRS 616C.390\(5\)](#))

Insurer Response:

You should receive a response within [30 days](#) from the date that your request and the doctor's report are received by the insurer. You will be notified in writing after the insurer determines whether your application for reopening is accepted, accepted in part, or denied. ([NAC 616C.094](#))

Effect of Retirement:

If you retired or voluntarily left the workforce for reasons unrelated to your injury before you file for reopening, you are entitled only to medical benefits; not lost wages. ([NRS 616C.390\(6\)](#))

If your claim was closed because your medical treatment cost less than \$300 in the first 12 months, you probably cannot reopen. ([NRS 616C.235](#))

Reopening for PPD:

You may be able to reopen for Permanent Partial Disability if you were entitled to it and your case was closed without the insurer granting you PPD benefits. ([NRS 616C.392](#))

Emergency Treatment:

If the reopening is approved, your claim will be opened retroactive to the date your application for reopening was received. However, you may be allowed the cost of emergency treatment, prior to your application date, if there is sufficient evidence to substantiate that the treatment was necessary and done on an emergency basis. Otherwise, costs of treatment which occurred in the time span between claim closure and reopening are not reimbursed. ([NRS 616C.390\(8\)](#))

Right to Appeal:

You and your employer will be notified of the right to appeal the decision regarding the approval or disapproval of your reopening request. If your reopening request is denied, you should immediately appeal that determination to the Hearing Officer. (You are given [70 days](#) to appeal the determination during your reopening request, however do not wait until the last few days to appeal).

Appeal to the Hearing Officer Level:

The Nevada Attorney for Injured Workers (NAIW) does not represent claimants at the Hearing Officer level, but we do answer questions about your hearing through our advice help line. You may hire a private attorney or represent yourself at the Hearing Officer level. You may appear at the Hearing Office appeal by telephone, if you ask in advance. If you fail to appear, or do not timely appeal, you may lose your legal appeal rights.

Appeal to the Appeals Officer Level:

If you do not win at the Hearing Officer level, immediately appeal that decision to the Appeals Officer level within [30 days](#). If you ask, the Appeals Officer will appoint the Nevada Attorney for Injured Workers to represent you at this second level of hearing. NAIW then prepares your case with you, and an NAIW attorney can represent you at that appeal hearing.

If you have any further questions or need advise, please call our office.

Call the Las Vegas Assistance Line at (702) 486-2830

Call the Carson City Assistance Line at (775) 684-7555